

REMARKS

CLAIM OBJECTIONS/ELECTIONS

The claims above reflect the election which withdrew from consideration claims 39-42. Also, the claims above reflect the correct numbering of previously presented claims 46-49, to be claims 47-50. No other changes/amendments to the claims have been made.

102 REJECTIONS

Claims 31-38 and 44 are rejected under 35 U.S.C. 102, as being anticipated by Bulat et al. (USP 5316640, herein "Bulat"). The Applicant respectfully traverses.

The present invention is related to, but not limited to, MEMS-type devices. As described in the background section of the present invention, prior devices have had issues of chipping or breaking, which the present invention seeks to cure. This problem is cured by the process in Claim 31, which recites, positioning a mask relative to a device, the mask being in the form of a pattern, wherein the mask exposes a surface of the device; etching the pattern into a surface of the device to form a feature, wherein said feature includes at least one rounded edge; and providing a mating element and connecting said mating element and said feature.

The Office Action alleges that Bulat discloses a mask 32 in figure 8. The Office Action further alleges that Bulat discloses "etching a pattern into a surface of the structure" in figure 9, the alleged feature with a rounded edge being reference numeral 32. This interpretation Bulat as it applies to the present invention is incorrect. The Office Action alleges the photoresist layer 32 in Bulat discloses both the mask and the feature etched into the surface of the device. These are two separate limitations in claim 31, therefore the same feature in Bulat cannot function as both a mask and a feature with a rounded edge etched into a surface of the device. The mask creates the feature etched into the surface of the device with a rounded edge, and therefore cannot be the feature etched into the surface of the device with a rounded edge. Because Bulat does not disclose each and every limitation in claim 31, there can be no anticipation. A notice to this effect is respectfully requested.

Claims 32-38 and 44 depend from independent claim 31 and, as described above, define further features and structure of the device. Accordingly, these claims are patentable for the reasons noted above with respect to claim 31 as well for the additional features recited therein.

Therefore, notice to the effect that dependent claims 32-38 and 44 are in a condition for allowance is respectfully requested.

103 REJECTION

The Office Action states that claims 45-50 are rejected under 35 USC 103(a) as being unpatentable over Bulat et al. in view of Peterson (US 6335224 – although the Office Action initially cites Wada et al (US 5001080), Peterson is used in the body of the rejection). The Applicant respectfully traverses.

Similar to the argument presented above, Bulat does not disclose each and every limitation in independent claim 45. Peterson is only presented because it allegedly describes “a microelectronic (MEMS) using a rounded patterned masking layer 14.” Peterson does not disclose the limitations that Bulat fails to disclose as discussed above. Because neither reference discloses each and every limitation in claim 45, claim 45 is not made obvious by these two references. A notice to this effect is respectfully requested.

Claims 46-50 depend from independent claim 45 and, as described above, define further features and structure of the device. Accordingly, these claims are patentable for the reasons noted above with respect to claim 45 as well for the additional features recited therein. Therefore, notice to the effect that dependent claims 46-50 are in a condition for allowance is respectfully requested.

Further, the Office Action states that claim 43 is rejected under 35 USC 103(a) as being unpatentable over Bulat et al. in view of Berry (US 6344383). Claim 43 depends from independent claim 31 and, as described above, define further features and structure of the device. Accordingly, this claim is patentable for the reasons noted above with respect to claim 31 as well for the additional features recited therein. Therefore, notice to the effect that dependent claim 43 is in a condition for allowance is respectfully requested.

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CERTIFICATION UNDER 37 C.F.R. 1.8

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I hereby certify that this Response and the documents referred to as attached therein are being transmitted via facsimile to facsimile number 571-273-8300 at the United States Patent and Trademark Office Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown above.

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